

Union Calendar No. 148

105TH CONGRESS
1ST Session

H. R. 2181

[Report No. 105-258]

A BILL

To ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes.

SEPTEMBER 18, 1997

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JULY 17, 1997

Mr. MCCOLLUM (for himself, Mr. SCHUMER, Mr. BUYER, Mr. CHABOT, Mr. COBLE, Mr. BARR of Georgia, Mr. HUTCHINSON, Mr. GEKAS, Ms. JACKSON-LEE of Texas, Mr. MEEHAN, and Mr. WEXLER) introduced the following bill; which was referred to the Committee on the Judiciary

SEPTEMBER 18, 1997

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A BILL

To ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Witness Protection and
3 Interstate Relocation Act of 1997”.

4 **TITLE I—GANG-RELATED WIT-**
5 **NESS INTIMIDATION AND RE-**
6 **TALIATION**

7 **SEC. 101. INTERSTATE TRAVEL TO ENGAGE IN WITNESS IN-**
8 **TIMIDATION OR OBSTRUCTION OF JUSTICE.**

9 Section 1952 of title 18, United States Code, is
10 amended—

11 (1) by redesignating subsections (b) and (c) as
12 subsections (c) and (d), respectively; and

13 (2) by inserting after subsection (a) the follow-
14 ing:

15 “(b) Whoever travels in interstate or foreign com-
16 merce with intent by bribery, force, intimidation, or
17 threat, directed against any person, to delay or influence
18 the testimony of or prevent from testifying a witness in
19 a State criminal proceeding or by any such means to cause
20 any person to destroy, alter, or conceal a record, docu-
21 ment, or other object, with intent to impair the object’s
22 integrity or availability for use in such a proceeding, and
23 thereafter engages or endeavors to engage in such con-
24 duct, shall be fined under this title or imprisoned not more
25 than 10 years, or both; and if serious bodily injury (as
26 defined in section 1365 of this title) results, shall be so

1 fined or imprisoned for not more than 20 years, or both;
 2 and if death results, shall be so fined and imprisoned for
 3 any term of years or for life, or both, and may be sen-
 4 tenced to death.”.

5 **SEC. 102. CONSPIRACY PENALTY FOR OBSTRUCTION OF**
 6 **JUSTICE OFFENSES INVOLVING VICTIMS,**
 7 **WITNESSES, AND INFORMANTS.**

8 Section 1512 of title 18, United States Code, is
 9 amended by adding at the end the following:

10 “(j) Whoever conspires to commit any offense defined
 11 in this section or section 1513 of this title shall be subject
 12 to the same penalties as those prescribed for the offense
 13 the commission of which was the object of the conspir-
 14 acy.”.

15 **TITLE II—WITNESS RELOCATION**
 16 **AND SAFETY**

17 **SEC. 201. WITNESS RELOCATION SURVEY AND TRAINING**
 18 **PROGRAM.**

19 (a) SURVEY.—The Attorney General shall survey all
 20 State and selected local witness protection and relocation
 21 programs to determine the extent and nature of such pro-
 22 grams and the training needs of those programs. Not later
 23 than 270 days after the date of the enactment of this sec-
 24 tion, the Attorney General shall report the results of this
 25 survey to Congress.

1 (b) TRAINING.—Based on the results of such survey,
 2 the Attorney General shall make available to State and
 3 local law enforcement agencies training to assist those law
 4 enforcement agencies in developing and managing witness
 5 protection and relocation programs.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There
 7 are authorized to be appropriated to carry out subsections
 8 (a) and (b) for fiscal year 1998 not to exceed \$500,000.

9 **SEC. 202. FEDERAL-STATE COORDINATION AND COOPERA-**
 10 **TION REGARDING NOTIFICATION OF INTER-**
 11 **STATE WITNESS RELOCATION.**

12 (a) ATTORNEY GENERAL TO PROMOTE INTERSTATE
 13 COORDINATION.—The Attorney General shall engage in
 14 activities, including the establishment of a model Memo-
 15 randum of Understanding under subsection (b), which
 16 promote coordination among State and local witness inter-
 17 state relocation programs.

18 (b) MODEL MEMORANDUM OF UNDERSTANDING.—
 19 The Attorney General shall establish a model Memoran-
 20 dum of Understanding for States and localities that en-
 21 gage in interstate witness relocation. Such a model Memo-
 22 randum of Understanding shall include a requirement that
 23 notice be provided to the jurisdiction to which the reloca-
 24 tion has been made by the State or local law enforcement
 25 agency that relocates a witness to another State who has

1 been arrested for or convicted of a crime of violence as
2 described in section 16 of title 18, United States Code.

3 (c) BYRNE GRANT ASSISTANCE.—The Attorney Gen-
4 eral is authorized to expend up to 10 percent of the total
5 amount appropriated under section 511 of subpart 2 of
6 part E of the Omnibus Crime Control and Safe Streets
7 Act of 1968 for purposes of making grants pursuant to
8 section 510 of that Act to those jurisdictions that have
9 interstate witness relocation programs and that have sub-
10 stantially followed the model Memorandum of Under-
11 standing.

12 (d) GUIDELINES AND DETERMINATION OF ELIGI-
13 BILITY.—The Attorney General shall establish guidelines
14 relating to the implementation of subsection (c) and shall
15 determine, consistent with such guidelines, which jurisdic-
16 tions are eligible for grants under subsection (c).

17 **SEC. 203. BYRNE GRANTS.**

18 Section 501(b) of the Omnibus Crime Control and
19 Safe Streets Act of 1968 is amended—

20 (1) by striking “and” at the end of paragraph
21 (25);

22 (2) by striking the period at the end paragraph
23 (26) and inserting “; and”; and

24 (3) by adding at the end the following:

1 “(27) developing and maintaining witness secu-
2 rity and relocation programs, including providing
3 training of personnel in the effective management of
4 such programs.”.

5 **SEC. 204. DEFINITION.**

6 As used in this title, the term “State” includes the
7 District of Columbia, Puerto Rico, and any other common-
8 wealth, territory, or possession of the United States.